



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 12 2003

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Tom Erdmann
Senior Vice President and Commercial Director
Cargill Sweeteners
Post Office Box 5662
Minneapolis, MN 55440-5662

RE: Notice of Violation of Cargill Facilities

Dear Mr. Erdmann:

This is to advise you that pursuant to 42 U.S.C. Section 7413(a)(1), the United States Environmental Protection Agency has determined that the listed facilities are in violation of the Clean Air Act (CAA) and associated State or local air pollution control requirements. As set forth in more detail below, the CAA requires "major" sources of air emissions, such as the Cargill facilities identified in this Notice of Violation, to obtain a permit before commencing construction of the following: (1) a new major source of pollution, or (2) a modification of an existing source that significantly increases emissions at the source.

The CAA places the burden on the owner or operator of the proposed new source to properly characterize the emissions that result from the operation of the source and to apply for a preconstruction permit. During the course of the permitting process, the company is required to install the type of pollution controls that represent best available control technologies (BACT) and/or lowest achievable emission rate (LAER), so that construction of the source will not result in excessive impacts to air quality.

Based on our investigations, Cargill has repeatedly violated these requirements on dozens of occasions. Based on documents produced by Cargill, it appears that these violations have occurred over a period of at least 20 years and continue to this day. On a number of occasions, Cargill constructed entirely either new facilities or added new process units to existing facilities without obtaining permits or installing and operating pollution controls. Also, Cargill has operated its facilities such that emissions were in excess of levels allowed by applicable rules and its permits.

The following chart summarizes the violations that EPA believes have occurred and continue to occur [Note: The numbers in parentheses are State permit identifying numbers for the units in question].

SUMMARY OF VIOLATIONS

FACILITY	FIRST YEAR OF VIOLATION	DESCRIPTION OF UNITS CONSTRUCTED OR MODIFIED/Other Violations	REGULATORY/ STATUTORY CITATIONS
Decatur, AL wet corn mill	1984	North Germ Dryer constructed (S-128)	40 CFR Sec. 52.50 (46 Fed. Reg. 55517)
	1985	Carbon furnace constructed (S-341)	"
	1985	Gluten dryer constructed (S-102)	"
	since 1992	Permit violations/emission limits	Title V violation 42 USC 7413(b)(2)
		Failure to include in Title V application all applicable requirements	40 CFR Sec. 70.6(a)(1)
Memphis, TN wet corn mill	1994	Carbon furnace constructed (6008)	40 CFR Sec. 2233 (50 Fed. Reg. 7777)
	1981	Carbon furnace B constructed (9002)	"
	1996	Carbon furnace A constructed (9008)	"
	1991	#1 Gluten Flash dryer (4008B) constructed	"
		Steepphouse No. 1 Aspiration Scrubber (2001) constructed	"
		Steepphouse No. 2 Aspiration Scrubber (2002) constructed	"

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	1990	#3 Starch dryer (5040) constructed	"
		Germ dryers exceed emission limits of 1.14 tons per year	Title V violation 42 USC 7413(b)(2)
		Carbon furnace & Carbon furnace B exceed emission limits of 1.70 lbs/hr & 7.45 tons per year	"
		Carbon furnace A exceed emission limit of 0.85 lbs/hr & 3.72 tons per year	"
Hammond, IN wet corn mill	1989	gluten ring dryer constructed (121-01-G)	40 CFR § 52.793 (45 Fed. Reg. 52741).
	1995	fiber drying equipment constructed (89-01-G)	"
	1995	2 ND stage germ dryer constructed (51A-02-G)	"
	1980	waxy feed drum dryer constructed (124-01-G)	"
	1995	carbon furnace constructed (104-01-R)	"
	1995	Rotary feed dryer (89-03-G) constructed	"
		Mill Aspiration (88-01-G) constructed	"
		Pellet Cooler #1 (201-03-G) constructed	"
		Pellet Cooler #2 (201-04-G) constructed	"

	since 1992	Permit violations/emission limits	Title V violation and SIP violation 42 USC 7413(b)(2) 326 IAC 8-1-6
		Failure to include in Title V application all applicable requirements	40 CFR Sec. 70.6(a)(1)
Dayton, OH wet corn mill	1980	NM germ dryer #1 constructed (P026)	40 CFR § 52.1884 (45 FR 52741)
	1987	NM germ dryer #2 constructed (P052)	"
	1981	NM germ dryer #3 constructed (P031)	"
	1973	SM mill aspiration (P003) constructed	"
	1989	NM gluten flash dryer (P057) constructed	"
	1997	Feedhouse gluten flash dryer (P072) constructed	"
	1996	NM steep aspiration #2 (P086) constructed	"
	1983	Feedhouse fiber steam tube Dryer #1 (P032) constructed	"
	1989	Feedhouse fiber steam tube dryer #2 (P033) constructed	"
	1983	Feedhouse fiber steam tube dryer (P034) constructed	"
	1989	Feedhouse fiber pre-dryer #3 (P058) constructed	"
	1996	Feedhouse pellet cooler scrubber (P075) constructed	"
	1996	Feedhouse pellet cooler (P076) constructed	"

	1993	RF carbon furnace (P067) constructed	"
	since 1992	Permit violations/emission limits at NM Gluten Flash Dryer, NM germ dryers #1 - #3, FH Gluten Flash Dryer	Title V violation and SIP violations 42 USC 7413(b)(2) OAC 3545-31-05 (A)(3)
		Failure to include in Title V application all applicable requirements	40 CFR Sec. 70.6(a)(1)
Dimmit, TX wet corn mill	1992	gluten dryer constructed (S-164)	40 CFR § 52.2303 (54 Fed. Reg. 28093)
		germ dryer #1 constructed (S-158)	"
		germ dryer #2 constructed (S-159)	"
	1987	carbon furnace constructed (S-304)	"
	since 1992	Permit violations/emission limits at Gluten dryer, carbon regeneration furnace, & germ dryers	Title V violation 42 USC 7413(b)(2)
		Failure to include in Title V application all applicable requirements	40 CFR Sec. 70.6(a)(1)
Blair, NE wet corn mill	1995	germ dryer constructed (10)	40 CFR § 52.1436 (49 Fed. Reg. 29599)
	1995	fiber dryer constructed (12)	"
	1995	gluten flash dryer (8) constructed	"
		Steepphouse aspiration (5) constructed	"

		Process aspiration (7) constructed	"
		Cooker/expeller aspiration (67) constructed	"
	since 1995	Permit violations/emission limits at germ dryer, fiber flash predryer, steephouse aspiration, process aspiration, cooker/expeller aspiration & gluten flash dryer	Title V violation 42 USC 7413(b)(2)
		Failure to include in Title V application all applicable requirements	40 CFR Sec. 70.6(a)(1)
Eddyville, IA wet corn mill	1987	carbon furnace #1 constructed (37)	40 CFR § 52.833 (52 Fed. Reg. 23982)
	1992	carbon furnace #2 constructed (56)	"
	1995	gluten flash dryers I and II (106.062 and 106.901) constructed	"
	1995	Fiber flash dryer(104.000) constructed	"
	1991	Germ dryer cooler 1 (107.060) constructed	"
	1990	TO/rotary dryer (1.052) constructed	"
	1995	Steephouse aspiration (8) constructed	"
	2003	Millhouse aspiration (9) constructed	"
	1995	Feedhouse aspiration (18) constructed	"
	1995	Steephouse aspiration II (55) constructed	"

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	1996	Mill aspiration II (102) constructed	"
	1998	Mill aspiration III (119) constructed	"
		Feed loadout stack (105.040) constructed	"
	1997	Expeller aspiration I (107.059) constructed	"
	1997	Expeller aspiration II (107.110) constructed	"
	since 1992	Permit violations/emission limits at gluten flash dryer I and II, fiber flash dryer, carbon furnaces, germ dryer cooler, steephouse aspiration I and II, millhouse aspiration I, II and III, feedhouse aspiration, feed loadout stack, & expeller aspiration I and II	Title V violation 42 USC 7413(b)(2)
		Failure to include in Title V application all applicable requirements	40 CFR Sec. 70.6(a)(1)
Cedar Rapids, IA wet corn mill	1996	fiber dryer constructed (72)	40 CFR § 52.833 (52 Fed. Reg. 23982)
	pre-1995	fluidized bed germ dryer constructed (113)	"
	pre-1990	germ dryer constructed	"
	pre-1990	gluten dryer constructed	"
	pre-1990	second gluten dryer constructed (20)	"
	1991	carbon furnace constructed (32)	"

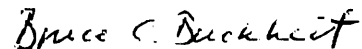
		Steephouse scrubber (41) constructed	"
	since 1992	Permit violations/emission limits at carbon furnace, fluidized bed germ dryer fiber dryer	Title V violations 42 USC 7413(b)(2)
		Failure to include in Title V application all applicable requirements	40 CFR Sec. 70.6(a)(1)
Wahpeton, ND wet corn mill	1996	carbon regeneration furnace constructed (REP41)	40 CFR § 52.1829 (44 Fed. Reg. 63103)
		Steephouse scrubber (MEP12) constructed	"
		Millhouse & feed house scrubbers (MP12 + FEP 18) constructed	"
		Fiber pellet cooler (FEP26) constructed	"
	1996	Fiber finish dryer, fluidized bed germ dryer, gluten dryer constructed	"
		Failure to include in Title V application all applicable requirements	40 CFR Sec. 70.6(a)(1)

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Under Section 113 of the CAA, you may request a conference to present information to establish that Cargill has not violated the Act, any efforts you have taken to comply with the alleged violation in the Notice, and the steps you will take to prevent future violations.

If you wish to request a conference on this matter, or if you have any questions, please contact Mr. Charles Garlow of this office at (202) 564-1088.

Sincerely yours,



Bruce C. Buckheit
Director
Air Enforcement Division

cc: Appropriate State Enforcement Officials

CERTIFICATE OF MAILING

I, Cassandra Barnes, certify that I sent a Notice of Violation, No. EPA-HQ-03-01, by

Certified Mail, Return Receipt Requested, to:

Mr. Tom Erdmann
Senior Vice President and Commercial Director
Cargill Sweeteners
Post Office Box 5662
Minneapolis, MN 55440-5662

I also certify that I sent copies of the Notice of Violation by first class mail to:

Steven C. Euler
Registered Agent
Cargill, Incorporated
15615 McGinty Road W.
Wayzata, MN 55391

on the 13 day of August, 2003.



Cassandra Barnes, Secretary
US EPA Air Enforcement Division
202-564-2414

CERTIFIED MAIL RECEIPT NUMBER: 7001 2510 0003 0941 4205